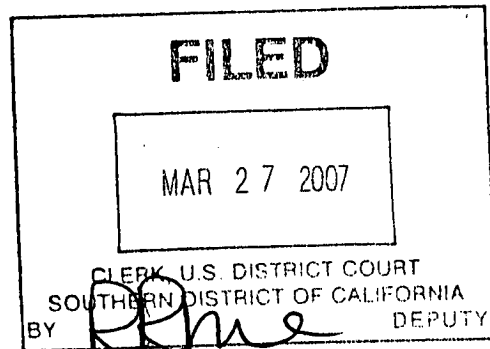


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8
 9 UNITED STATES DISTRICT COURT
 10 SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)
 12)
 Plaintiff,)
 13)
 v.)
 14 JOAQUIN ANTONIO RAMIREZ-GARCIA,)
 15)
 Defendant.)

Magistrate Case No. 07MJ0573

16
 17 **STIPULATION OF FACT AND JOINT**
MOTION FOR RELEASE OF
MATERIAL WITNESS(ES) AND
ORDER THEREON

(Pre-Indictment Fast-Track Program)

18 **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES
 19 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Carla J.
 20 Bressler, Assistant United States Attorney, and defendant JOAQUIN ANTONIO RAMIREZ-
 21 GARCIA, by and through and with the advice and consent of defense counsel, Kris Kraus, Esq.,
 Federal Defenders of San Diego, Inc., that:

22 1. Defendant agrees to execute this stipulation on or before the first preliminary hearing
 23 date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,
 24 intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead
 25 guilty to the pre-indictment information charging defendant with a non-mandatory minimum count
 26 of Bringing in Aliens Without Presentation and Aiding and Abetting, in violation of 8 U.S.C.
 27 § 1324(a)(2)(B)(iii) and 18 U.S.C. § 2.

28 CJB:kmm:3/14/07

JR

1 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
2 provide the signed, original plea agreement to the Government not later than five business days
3 before the disposition date set by the Court.

4 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or
5 before **March 14, 2007**.

6 4. The material witness(es), Marina Pastor, in this case:

7 a. Are aliens with no lawful right to enter or remain in the United States;

8 b. Entered or attempted to enter the United States illegally on or about April 12,
9 2007;

10 c. Were found in a vehicle driven by defendant at the San Ysidro, California Port
11 of Entry (POE) and that defendant knew or acted in reckless disregard of the fact that they were
12 aliens with no lawful right to enter or remain in the United States;

13 d. Were having others pay on their behalf an unknown amount tp others to be
14 brought into the United States illegally and/or transported illegally to their destination therein; and,

15 e. May be released and remanded immediately to the Department of Homeland
16 Security for return to their country of origin.

17 5. After the material witnesses are ordered released by the Court pursuant to this
18 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
19 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
20 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

21 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
22 substantive evidence;

23 b. The United States may elicit hearsay testimony from arresting agents
24 regarding any statements made by the material witness(es) provided in discovery, and such testimony
25 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
26 of (an) unavailable witness(es); and,

c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004), "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant waives the right to confront and cross-examine the material witness(es) in this case.

6. By signing this stipulation and joint motion, defendant certifies that defendant has read it (or that it has been read to defendant in defendant's native language). Defendant certifies further that defendant has discussed the terms of this stipulation and joint motion with defense counsel and fully understands its meaning and effect.

Based on the foregoing, the parties jointly move the stipulation into evidence and for the immediate release and remand of the above-named material witness(es) to the Department of Homeland Security for return to their country of origin.

It is STIPULATED AND AGREED this date.


Respectfully submitted,

KAREN P. HEWITT
United States Attorney

Dated: 3/27/07


CARLA J. BRESSLER
Assistant United States Attorney

Dated: 3/23/07


MIRANA PASTOR
Defense Counsel for
Joaquin Antonio Ramirez-Garcia

Dated: 3/23/07


JOAQUIN ANTONIO RAMIREZ-GARCIA
Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 3/27/07.


United States Magistrate Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

vs.

Joaquin Antonio
Ramirez-Garcia
Defendant(s)

CRIMINAL NO. 07mj573

ORDER

RELEASING MATERIAL WITNESS

Booking No.

On order of the United States District/Magistrate Judge,

IT IS HEREBY ORDERED that the following named person heretofore
committed to the custody of the United States Marshal as a material witness be
released from custody: (Bond Posted / Case Disposed / Order of Court)

Marina Pastor

DATED: 3/27/07

JAN M. ADLER

UNITED STATES DISTRICT/MAGISTRATE JUDGE

RECEIVED _____
DUSM

OR

W. SAMUEL HAMRICK, JR. Clerk

by Rhea Rhine
Deputy Clerk